

06-16-04

RCE 12/17/61

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35. U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Serial No.	09/682,107
	Filing Date	July 20, 2001
	First Named Inventor	Jefferson M. Kommers et al.
	Group Art Unit:	2171
	Examiner Name	Al Hashemi, Sana A
	Atty. Docket No.	VIGN1270

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment (s)/reply under 37 C.F.R. § 1.116 filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☐ Preliminary Amendment

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement, PTO 1449 and References from PCT Search Report

iv. ☒ Other Reply to Office Action Dated March 15, 2004

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-0456 for the pendency of this application.

i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☐ Additional Claims Fee Under 37 CFR 1.16 and 1.17 06/17/2004 HALI11 00000126 09682107

iii. ☐ Other _____ 01 FC.1001 770.00 OP

b. ☒ Check in the amount of \$770.00 is enclosed.

c. ☐ Authorized to deduct \$_____ From Deposit Account 50-0456 of Gray Cary Ware & Freidenrich LLP.

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	John L. Adair	Registration No. (Attorney/Agent)	48,828
Signature		Date	June 15, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail No. EV351128199 to Addressee in an envelope addressed to: Mail Stop: RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type)	Julie H. Blackard	Date	June 15, 2004
Signature			

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VIGN1270

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Sir:

In the Application of:

Jefferson M. Kommers, et al.

Date Filed:

July 20, 2001

Title:

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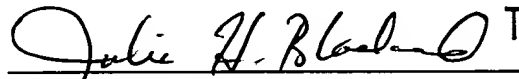
I hereby certify that the attached Request for Continued Examination (RCE) Transmittal Form, Reply to Final Office Action Dated 03/15/04, Check and Postcard are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No. **EV351128199US**, on **June 15, 2004** addressed to: **Mail Stop RCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

Gray Cary Ware & Freidenrich LLP

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Julie H. Blackard

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